

**MINUTES
COMMITTEE-OF-THE-WHOLE
PRESIDENT AND BOARD OF TRUSTEES
VILLAGE OF ARLINGTON HEIGHTS
BOARD ROOM
MONDAY, APRIL 10, 2023 7:00P.M.**

BOARD MEMBERS PRESENT: President Hayes; Trustees: Baldino, Bertucci, Canty, Grasse, LaBedz, Scaletta, Schwingbeck and Tinaglia

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Randy Recklaus, Village Manager; Joseph Pinnello, Deputy Police Chief; Rob Horne, Assistant Director Public Works, Kim Peterson, Recording Secretary

SUBJECTS:

A. Village Parking Facility Security

Other Business

Adjournment

President Hayes called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited.

President Hayes advised that there is only one item on the agenda to discuss, but it is a very important issue for the Village's residents, businesses and visitors. President Hayes advised that Staff has spent a good deal of time exploring this issue and he is very much in favor of some of the recommendations being proposed.

New Business

A. Village Parking Facility Security

Mr. Recklaus advised that our downtown parking facilities are one of the reasons for the success of the downtown business district and as there has been an increase in general activity in the downtown, there has been an increase in activity in the downtown parking facilities that goes beyond the intended purpose of the facilities and more recently, activity that takes away from the intended purpose of the downtown parking facilities. The Village has formed an interdepartmental group that has been working on this issue the past several weeks, and informally over the years Staff has discussed how best to manage these facilities. Mr. Recklaus introduced Deputy Police Chief Joseph Pinnello and Assistant Director of Public

Works, Robert Horne, who are available to answer questions that are relevant to their perspective disciplines.

Mr. Recklaus advised that over the past three years, the Police Department has seen more of an increase in calls for service relating to the Evergreen underground garage in the Arlington Town Square facility. In 2018, there were about four to five nuisance calls and in 2022, there were approximately 60. These incidents, which are occurring in all of the Village's parking facilities, range from youths skateboarding on ramps or jumping from the garages to the roofs of the adjacent buildings, vandalism, criminal damage to property, overnight camping, the unauthorized storage of personal property, the use of the floor of the garages as a public toilet, and public intoxication. Some of this activity creates unsanitary conditions, which Public Works does a good job responding to these types of incidents when they occur, as well as feelings of unsafety and unwelcomeness for patrons and visitors. The downtown is also a place where many people live and work and don't have a choice when it comes to using these parking facilities, therefore they need to be safe and sanitary. Mr. Recklaus explained how on March 17th, the Police responded to a Battery where a resident was grabbed by an individual known to Police, who frequents the lower level of the Evergreen Garage, but does not own a motor vehicle. The victim was not physically harmed and an arrest was made almost immediately, but this type of incident reinforces what residents are fearful of. There have also been incidents over the years where people have been the recipients of verbal harassment by individuals who frequent the garages. In addition to these issues, there are also operational impacts, which include the firefighters who often times are putting themselves at risk when they encounter these individuals or their personal belongings. Mr. Recklaus advised that these are some of the problems Staff is trying to address and explained how difficult it is to engage in enforcement, as these garages are public spaces, if there is not an overt criminal act. In addition, there have been recent court rulings that don't allow enforcement of loitering rules in public spaces, which have made the garages attractive hangout locations. Some of these incidents are not new, however the frequency has increased.

Mr. Recklaus explained how the Village has taken some steps to increase safety within the parking facilities. In 2018, walls were painted white in the Evergreen Garage and LED lighting was installed in all of the garages, with the goal of creating a brighter space for users. The Police Department has met on many occasions with business and property owners to hear their concerns and identify actions that could be taken to enhance safety and security, as well as increasing patrols in this area. In addition, the Police Department conducted a Crime Prevention Through Environmental Design (CPTED) survey to identify some potential improvements that could be explored at the Evergreen Garage to encourage security and discourage undesired behavior outside of the intended purpose of the facilities. Staff has identified a number of possible actions that the Village could take, some which may require a partnership with the property owners. Some of these are physical changes to the garages and some are legal changes the Village can consider. Staff is not suggesting that these decisions should be taken lightly, but they feel the situation is at the point where it is a good time to talk about these issues.

Some of the physical changes they identified would be the installation of closed-circuit cameras, which may deter criminal activity, more significant increase in LED lighting throughout the facility, repainting the walls with a newer high gloss product, painting the ceiling white to increase reflectivity, which can only be done once the property management replaces the expensive membrane between the levels, replace carpeting in the elevators with hard wood flooring and regular broadcasting of audio public service announcements (PSA).

Some of the possible legal changes include designating the parking areas as limited use public facilities, where the only permitted and intended users are those individuals who are traveling in vehicles and entering or exiting their vehicles, and any others can be warned by the police and cited for trespassing if they don't leave. Another ordinance that could be adopted relates to the removal of private property that's left on the Village's property. If someone is storing private property, it can get tagged, and if it's not removed in a certain number of days, perhaps seven (7), the Village will remove it. The property would then be stored off-sight for a certain number of days, perhaps 30, and if it's not picked up within this time frame, the Village can dispose of the property.

Mr. Recklaus explained how these are the basic concepts and none of them are simple and none of them should be taken lightly.

President Hayes stated that he believes and thinks all the members of the Board believe that this Village has reached a point where they are balancing the constitutional rights of individuals who are doing things they shouldn't be doing in our public garages with the obligation to provide a safe environment for the residents, business employees and visitors to our community. President Hayes stated that he thinks they need to take a really hard and serious look at these issues and do something about it. He doesn't see any reason why they shouldn't be pursuing all of these recommendations, if they're properly vetted in terms of cost, application and coordination.

Trustee Canty stated that there is a great balance in regards to the safety of the visitors to the downtown and those who live in the area, but also being mindful to those who are unhoused. Trustee Canty advised that this issue of finding a solution for the unhoused population is not limited to Arlington Heights and asked if Staff has reached out to other communities, and in particular the city of Rockford, to see how they are addressing this issue. Mr. Recklaus advised that Staff has been receiving feedback from Elrod Friedman, who represent a number of communities that have been looking into this issue. In addition, Mr. Recklaus advised that he will be meeting with Beth Nabors, who is the Executive Director of Journeys the Road Home, next week to discuss this issue and see what can be done, as our Village does not want to just move this issue from one place to another. Trustee Canty stated that she wants everyone to feel safe, but doesn't want to do anything that will infringe on someone's rights and would hesitate to move forward without legal counsel present.

Trustee Bertucci advised that he lives in the building next door to the Evergreen Garage and there is a door in his secured garage area that leads to the Evergreen

Garage, which is where guests of his building park. Trustee Bertucci acknowledged a group of his neighbors that were in the audience, and spoke on their behalf by saying how unsafe all of their guests feel when they come to visit and have to park in that garage. Trustee Bertucci stated that this is a very serious issue, and although he wants to be sensitive to homeless people and make sure they get the help they need, it is infringing on the safety of those who want to use the parking garage for its actual purpose. Trustee Bertucci stated that he is in agreement with President Hayes and thinks that they should pursue any and all measures.

Trustee Tinaglia thanked Mr. Recklaus for being so careful and so precise in explaining the sensitivity of this issue. Trustee Tinaglia stated that he agrees with what has been said tonight, as these garages are for parking cars. He wants to do what is necessary to start protecting everyone, with what is legally correct, as quickly as possible.

Trustee Grasse stated that she agrees with her colleagues, as this is a serious safety issue for the residents who use the garage and parking in the area. Their safety and well-being is of the utmost importance and something needs to be done. Trustee Grasse advised this is a complex issue as we have to be mindful of the safety of our neighbors who are homeless and pushing them somewhere else is not going to help the issue. She advised that often times homelessness is about severe medical issues and thinks that it would be helpful to talk to someone at the hospital, as well as address the mental health component of this issue.

Trustee LaBedz agrees that the Village needs to proceed with a variety of different avenues, but she doesn't want to shift the problem to someone else. Trustee LaBedz stated that this is such a complex issue and there is no way it can be fixed completely, although she thinks it is important to start the discussion. Trustee LaBedz advised that she understands why people don't want to park in the underground garage, as she doesn't feel comfortable parking down there either. If people don't want to come to our Village because they don't want to park, then that leads to lost revenue for the Village, which adds to the complexity of the problem. Trustee LaBedz asked if these particular ideas will apply to all the Village garages, which Mr. Recklaus advised that some of the physical enhancements will only apply to the Evergreen Garage, but the legal concepts will apply to all of the parking facilities. Trustee LaBedz also asked about the police patrols and if the garages are regularly patrolled, which Deputy Chief Pinnello advised that once they became aware of the uptick in incidences, particularly in the Evergreen Garage, they increased patrols with a minimum of two extra watches per shift and spot checks when time allows for an Officer to drive thru the garage. Trustee LaBedz advised that it's not just the garages that have experienced homeless individuals residing in them, but the surface lots have had this problem as well. Mr. Recklaus explained that he uses the words public parking facility for this reason.

Trustee Scaletta stated that the main goal of government is to provide for the safety, health and welfare of the residents and it's so important that people feel safe in their own community. It's a part of living and having a quality of life. Trustee Scaletta advised that these types of problems and not feeling safe in the garages is not new and for years they have worked with Staff to encourage more to

be done in the underground garage. There have been some changes but more needs to be done and what is right for the residents. Trustee Scaletta advised that there is a very difficult balance, as everyone's rights need to be respected, but everyone needs to be safe, including the homeless people. The Village needs to identify options to help the homeless population and identify organizations that can help find better opportunities for them. Trustee Scaletta asked about the membrane that is below the parking deck and whose responsibility it is to replace it. Mr. Horne explained the process of replacing the membrane that is located between the underground parking garage ceiling and the surface lot parking deck and how it is maintained by the shopping center owners. Trustee Scaletta asked about the PSA and what the tone of it will be like, which Mr. Recklaus advised that it will be subtle and similar to what you would hear at an airport. Trustee Scaletta stated that he is supportive of the concept, but wants to see the execution, as it can't be too loud and disturb the residents or people using the garage. Trustee Scaletta advised that people who live downtown want to feel safe and people who visit or work in the downtown want to feel safe.

Trustee Schwingbeck stated that he is very sympathetic and in agreement with what his colleagues have said, and asked about the graph that depicts the big uptick in nuisance calls and who is mostly responsible for this increase, and what percentage involve homeless individuals or teenagers. Mr. Recklaus advised that these nuisance calls are just for the Arlington Town Square Center and it's hard to say for sure if the person(s) that the call is coming in about is homeless or not. Deputy Chief Pinnello advised that it is hard to determine which calls are related to the unhoused population and which ones are related to juveniles, but the police do respond to calls from residents or visitors in the garage who say there is a problem. Trustee Schwingbeck stated that he doesn't want to take anything away from the Evergreen Garage but there are kids causing problems in downtown and the garages and it's gotten to the point that it's at because they have allowed it to get to this point. If the Village doesn't stop it, it's not going to get any better. There has to be a way to deter this behavior. Mr. Recklaus advised that what is being discussed tonight is not going to address disrespectful behavior by young people. If an ordinance is adopted regarding the limited use of the public parking facilities, any calls that come in about teenagers hanging out in the garages, would give the police the authority to get them to disperse. This would give the police more tools to help address some of these issues, although the goal is get compliance. Trustee Schwingbeck advised that he is in favor of everything else that has been discussed tonight and if they can create the limited use facility ordinance, to stop this behavior.

Trustee Baldino thanked his colleagues for their comments and advised that he agrees with them. He also thanked Mr. Recklaus for his sensitivity, as this is a complex issue. Trustee Baldino advised that this is a broader issue and not just about the underground Evergreen Garage, but the other parking facilities as well and what has been going on at these parking structures. He is generally supportive of these measures, but this is a bigger issue than just a homeless issue and people feeling unsafe in the Evergreen Garage, as important as this issue is.

Trustee Tinaglia stated that he's trying to understand why we have to let someone's

property sit there for seven days and not have it removed immediately, if they are found in violation of the ordinance. Mr. Recklaus advised that there are legal complications when it comes to removing someone's personal property. Trustee Tinaglia advised that he agrees with Trustee Grasse that so much of this is mental illness and there has to be more done to treat people with these conditions. Trustee Tinaglia stated that he fully supports everything that has been discussed tonight and would like to see this get done as soon as possible.

President Hayes asked if there was any public comment on this agenda item and there was a response.

Barbara Coy, President of the condominium board at 77 S. Evergreen, stated that the Board and the residents are in full support of whatever can be done to increase the safety in the Evergreen Garage. Ms. Coy advised that there is an alcove in the Evergreen Garage that has about 20 spots that some of the residents of the condominium, who need an additional parking spot, pay to park in, or overnight guests will use, and as of late, no one has felt safe parking in this area. Ms. Coy offered her Board's assistance in finding a solution to this problem.

Andre Arrington, Housing Commissioner, stated that he is attendance for the safety issue, but also works for the Boys and Girls Club and is willing to have a conversation about forming a Boys and Girls Club here. In addition, Mr. Arrington believes an alternative space in the Village is needed for the homeless, for everyone's safety.

Matt Bonnass, resident, discussed the public parking garage stairwells and how unsafe they are. He also suggested playing classical music in the parking garages as it may deter young people from hanging out.

Keith Moens, resident, advised that he is concerned with how the Village handles the problem, as these types of issues can escalate very easily if the proper personnel doesn't address the situation. He thinks it should be non-uniformed social workers, who are trained in mental health. President Hayes stated that this is a good point and the police department does have professionals who deal with the individuals who use the parking facilities. Mr. Recklaus advised that through a partnership with Amita Health, the police department does have social workers who help deal with mental health type calls, as often times having the first response being someone in uniform isn't always best. The Village also has a Public Works employee who is very familiar with the homeless population and has relationships with some of them, therefore he would be tasked with this as well.

Scott Shirley, resident, stated that he doesn't understand why the personal property that is left behind cannot be considered abandoned property, as it is a public hazard, and be removed right away. Mr. Shirley thinks the Village should install wall pack lights, which are very bright lights, and cameras, to make it difficult and uncomfortable for individuals who are not using the garages for their intended purpose. There are residents and business owners who are feeling unsafe and it's not fair to them. Mr. Shirley advised that the best place for some of these homeless individuals is the legal system, where they can be provided with the best

resources and get the help that they need.

President Hayes stated that he doesn't think that the Board has eliminated or excluded any of the suggestions proposed tonight, and there is a definite desire to have further exploration of the legal statutes with the Village attorneys.

Mr. Recklaus advised that he is aware that some Board members would like Staff to take a look at some of the programs in Rockford, which they are happy to do, as well as get an answer to the question about the reasoning behind the timing that was suggested. Mr. Recklaus also suggested that in addition to drafting an ordinance, they can prepare a memo with some of the projected costs and operational pros and cons.

Trustee Grasse thanked Mr. Recklaus for putting all of this together and wanted to reassure the residents that their safety and finding some solutions is very clearly the Board's goal. She also wanted to thank everyone on the Board for their compassionate enforcement, as this is a complex issue, for those who live, work and shop in the area, and for those who are unhoused.

Trustee Tinaglia acknowledged all of the attendees at tonight's meeting and stated that this is a priority, and as quickly as Staff can move forward with this, the better.

Trustee LaBedz agrees with moving this along as quickly as possible and likes the idea of using classical music. Trustee LaBedz advised that mental illness cannot be stigmatized and you can't always draw a direct line between not being housed and being mentally ill.

Other Business

None.

Adjournment

Trustee Bertucci moved, seconded by Trustee Scaletta, to adjourn the meeting at 8:15 p.m. Upon a voice vote, the motion passed unanimously.